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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-10-00352 PJH
	)	
Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	SENTENCING HEARING DATE TO
v.	)	AUGUST 29, 2012 AND <del>PROPOSED</del>
	)	ORDER
	)	
JONG MOON CHOI,	)	
	)	
	)	Hearing Date: July 11, 2012
Defendant.	)	Time: 2:30 p.m.
	)	
	)	

The parties jointly request that the Court vacate and continue the sentencing hearing date set for Jong Moon Choi on July 11, 2012, and that the Court continue this matter to August 29, 2012, at 2:30 p.m., to give the parties additional time to prepare this matter for sentencing. Because Mr. Choi has already entered into a change of plea pursuant to an agreement with the government, the Speedy Trial Act does not apply.

On April 29, 2010, the Grand Jury charged Mr. Choi and two other defendants in a fifty-count indictment with conspiracy, tax evasion and structuring, in violation of 18 U.S.C. § 371, 26 U.S.C. § 7201 and 31 U.S.C. § 5324(a)(3). On March 14, 2012, Mr. Choi pleaded guilty to one count in the Indictment pursuant to a plea agreement with the government. The plea agreement was filed under seal.

1           The parties request this continuance to allow additional time to prepare this case for  
2 sentencing. Mr. Choi lives in Atlanta and next week plans to fly to Oakland, California for his  
3 interview with the probation office. Because of the delay in having him interviewed, additional  
4 time may be necessary to prepare the Pre-Sentence Investigation Report. Moreover, the parties  
5 agree that it is appropriate, given the plea agreement in this case, to have Mr. Choi's sentencing  
6 hearing follow the sentencing date of his two co-defendants, both of whom are scheduled to  
7 appear before the Court in early August. Counsel for Mr. Choi contacted the probation officer  
8 assigned to this case, Catheryn Grier, to confirm that Ms. Grier is available to appear on August  
9 29, 2012.

10           For these reasons, the parties stipulate and agree that it is appropriate to continue the  
11 sentencing date to August 29, 2012 at 2:30 p.m. The parties further agree that the Speedy Trial  
12 Act does not apply.

1 DATED: May 17, 2012

\_\_\_\_\_  
/S/  
ANDREW HUANG  
Assistant United States Attorney

2  
3 DATED: May 17, 2012

\_\_\_\_\_  
/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds:

1. Given that Mr. Choi has entered into a plea of guilty pursuant to an agreement with the government;

2. Given that the plea agreement is under seal and that the parties agree that Mr. Choi's sentencing hearing should follow the early August sentencing dates of the two co-defendants in this case;

3. Given that the parties need additional time to prepare this matter for sentencing;

4. Given that Mr. Choi lives in Atlanta and still needs to be interviewed by the probation office for the pre-sentence investigation; and

5. Given that the Speedy Trial Act does not apply;

Based on these findings, IT IS HEREBY ORDERED that the sentencing hearing date of July 11, 2012, before the Honorable Phyllis J. Hamilton, is vacated and reset for August 29, 2012, at 2:30 p.m.

May 21, 2012

  
\_\_\_\_\_  
PHYLLIS J. HAMILTON  
United States District Judge